

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEE WILSON,

Plaintiff,

v.

FOX 5 NEWS, et al.,

Defendants.

Case No. 2:25-cv-00147-JAD-EJY

ORDER

On January 23, 2025, Plaintiff submitted a Civil Rights Complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff neither paid the \$405 filing fee nor submitted an application to proceed *in forma pauperis*, one of which is necessary to commence a civil action. If Plaintiff wants to proceed without prepaying the filing fee, he may do so under 28 U.S.C. § 1915(a) and Local Rule LSR 1-2. To apply for *in forma pauperis* status, Plaintiff must submit **three** required documents to the Court including: (1) a completed Application to Proceed *in Forma Pauperis* for Inmate, on this Court's approved form (*i.e.* pages 1 through 3 with the inmate's two signatures on page 3), (2) a Financial Certificate properly signed by both the inmate and a prison or jail official (*i.e.* page 4 of this Court's approved form), and (3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

The Court also declines to consider the Complaint because it is not signed by Plaintiff. Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign every pleading, including a complaint. Fed. R. Civ. P. 11(a). If Plaintiff chooses to file an amended complaint, he is advised that the amended complaint replaces the original complaint, thus the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"). Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that

1 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on
2 this Court's approved prisoner civil rights form, and it must be titled "Amended Complaint."

3 Accordingly, IT IS HEREBY ORDERED that the Court will not consider Plaintiff's
4 unsigned Complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, the document
5 must be titled "Amended Complaint" and must be signed by Plaintiff. The amended complaint must
6 be filed on the Court's form and contain a short and plain statement describing the underlying case
7 showing that Plaintiff is entitled to relief. Fed. R. Civ. P. 8(a)(2).

8 IT IS FURTHER ORDERED that on or before **February 28, 2025**, Plaintiff must either pay
9 the \$405 filing fee for a civil action or file an application to proceed *in forma pauperis* containing
10 **all three of the required documents** and a **signed** amended complaint.

11 IT IS FURTHER ORDERED that the Clerk of the Court **must** send Plaintiff (1) the
12 application to proceed *in forma pauperis* for inmates along with the instructions for filing the same,
13 (2) the form for filing a § 1983 complaint along with the instructions for filing the same, and (3) a
14 copy of his initial Complaint (ECF No. 1-1).

15 IT IS FURTHER ORDERED that failure to file a signed amended complaint and either pay
16 the \$405 filing fee or file a complete application to proceed *in forma pauperis* on or before **February**
17 **28, 2025**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal
18 without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he
19 is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay
20 the required filing fee.

21 Dated this 27th day of January, 2025.

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23 
24 ELAYNA J. YOUCHAK
25 UNITED STATES MAGISTRATE JUDGE
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